

REMARKS

Claims 1, 4, 6, 8-10, 14, 16, 25-28, 31, 33, 37-38 and 39-50 are pending and under examination in the above-identified application.

Claims 1, 28, 37, 39-40 and 50-52 have been amended to specify the number of target analytes from the first individual and the number of target analytes from the second individual. Support for the amendments can be found expressly and inherently in the ranges previously recited in claims 40-42, 50-52, and more generally at page 19, paragraph [055] of the Specification.

Applicants have reviewed the rejections set forth in the Office Action March 24, 2009, and respectfully traverse all grounds for the reasons that follow.

Rejections Under 35 U.S.C. § 103

Claims 1, 4, 6, 8-10, 14, 16, 25-28, 31, 33, 37, 39, 41-49 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,571,676 (Shuber) in view of U.S. Patent No. 6,327,410, (Walt) or EP 392 546 A2 (Drmanac).

Claims 40 and 50 are rejected over Shuber in view of Walt or Drmanac. Although it is conceded that Shuber does not specifically teach 100 targets, the Office Action alleges that more than 100 target analytes are taught in the Abstract (or perhaps col. 1, lines 64-67).

Applicants have amended base claims 1 and 28 to specifically recite that the first microsphere comprises a plurality of at least 100 different target analytes from the first individual, and the second microsphere comprises a plurality of at least 100 different target analytes from the second individual. None of the cited references, viewed individually or in combination, teaches or suggests the combination of these features. Therefore, in light of the amendments and remarks, withdrawal of these grounds of rejection is respectfully requested.

CONCLUSION

In light of the Amendments and Remarks herein, Applicants submit that the claims are in condition for allowance and respectfully request a notice to this effect. Should the Examiner have any questions, she is invited to call the undersigned attorney.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

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